

## REMARKS

The Office Action of November 3, 2005 was received and carefully reviewed. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 1-18 were pending prior to the instant amendment. By this amendment, claims 1, 4, 7, 10, 13 and 16 are amended. Consequently, claims 1-18 are currently pending in the instant application.

Referring now to the detailed Office Action, claims 1-9 stand rejected under 35 U.S.C. §112, first paragraph, as containing the subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was, had possession of the claimed invention. Particularly, the Examiner asserted that “a pair of substrate that are each flexible and made of organic resin material” recited in the claims are not supported in the specification. In response, Applicants respectfully direct the Examiner’s attention to MPEP §2163.06(III), which states the claims as filed in the original specification are part of the disclosure and therefore, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter. *In re Benno*, 768 F.2d 1340, 226 USPQ 683 (Fed. Cir. 1985). Applicants respectfully submit that the original claims sufficiently and explicitly teach the claimed feature, for example, element substrate 101 and substrate 102 in Fig. 1. Further, the specification teaches the claimed feature, although the exact wording as the claimed language may not have been used.

In *In re Smythe*, 480 F.2d 1376, 1382, 178 USPQ 279, 284 (CCPA 1973), the Court stated that it is only required, for example, that the specification describe the invention sufficiently for those of ordinary skill in the art to recognize that the Applicant invented the subject matter he now claims. Applicants respectfully assert that one of ordinary skill in the art would be able to correlate the claimed feature with the description of the claimed features in the specification and drawings.

Notwithstanding the arguments set forth above, Applicants have amended independent claims 1, 4, 7, 10, 13 and 16, as shown above, to further clarify the presently claimed invention. More specifically, the amended claims now recite an upper substrate and

a lower substrate, instead of a pair of substrates.

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hinata et al. (U.S. Patent No. 5,610,742) in view of Bailey et al. (U.S. Patent Publication No. 2003/0137061). This rejection is respectfully traversed at least for the reasons provided below.

With respect to Hinata, the reference discloses that an adhesive 13 is formed in end portions of the pair of substrates 1, on outer surface of one of the pair of substrates 1, and outer surfaces of the sealing member 5. However, Hinata does not teach, disclose or suggest at least combination of the other cited features and the amended feature of a coating film formed in end portions of the upper and the lower substrates and on outer surfaces of the sealing member, and extends to an upper surface of the upper substrate and a lower surface of the lower substrate to cover the upper surface of the upper substrate and the lower surface of the lower substrates completely.

According to the claimed invention, there is an advantage in that the gas barrier property is greatly improved. More specifically, even if moisture or oxygen enters from interface between the coating film and each of the substrates, it would be difficult for moisture or oxygen to get to the end portion because the coating film covers a greater area which affords better protection from moisture or oxygen. Even if Hinata and Bailey were combined, there is no suggestion or motivation in the references to include the amended feature.

In the rejection, the Examiner stated that it would have been obvious to one of ordinary skill in the art to form the Hinata's device having a light emitting element comprising an anode, a layer include a luminescent material and a cathode provided between the pair of substrates and a dryer agent between the pair of substrates such as taught by Bailey in order to protect the organic layer and electrodes of the light-emitting element from oxidation and moisture. Applicants respectfully submit that each of the cited references teach the reduction of moisture and oxygen from entering a critical part of an electronic device. An object of Applicant's invention is also to minimize the entry of oxygen and moisture in the area between the substrates so as to improve the quality of the light-emitting device. Clearly, the object of reducing moisture and oxygen entry to an enclosure in general is well known and obvious. However, how such an effect is achieved through arrangement of parts and the

material employed is central to the patentability of Applicants' claimed invention. Accordingly, in order for the rejection to be proper and a *prima facie* case of obviousness to be established, the requirements set forth in the MPEP must be met. That is, in order to establish a *prima facie* case of obviousness, as detailed in MPEP § 2143 - 2143.03 (pages 2100-122 - 2100-136), first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the teachings; second, there must be a reasonable expectation of success; and, finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

If the Examiner is to maintain the obviousness rejection, Applicants would respectfully request the Examiner to show reasonable expectation of success in the combination of the elements in the LCD display of Hinata with the organic polymer electronic device of Bailey. For example, where and why would the adhesive 13 of Hinata would be applied in the device of Bailey? Where and why would the drying agent 130 of Bailey would be incorporate into the LCD device of Hinata? How would one adapt the sealing lid 126 of Bailey to function with LCD display of Hinata? These are only a few examples of the considerations to keep in mind in combining the different teachings of these references without destroying the function that was originally designed in each of the devices.

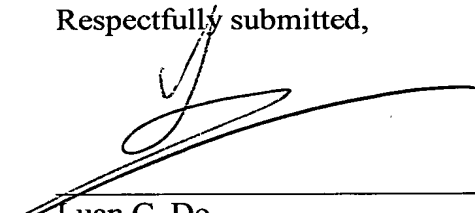
To imbue one of ordinary skill in the art with knowledge of the invention, when no prior references of record convey or suggest that knowledge, is to fall victim to the insidious effect of hindsight syndrome wherein that which only the inventor taught is used against its teacher. W.L. Gore & Assoc. v. Garlock, Inc., 721 F.2d 1540, 1533, 220 USPQ 303, 312-13 (Fed. Cir. 1983).

Further, if the Examiner is to maintain the obviousness rejection, Applicants would also respectfully request the Examiner to provide proper support in the cited prior art references of the amended feature. If the Examiner does not rely on the cited prior art references for explicit suggestion or teaching, then the "Examiner must present convincing line of reasoning supporting rejection" and the Examiner needs to show "reliance on logic and sound scientific reasoning". The Examiner is requested to review his Advisory Action of September 21, 2005, in which these requirements are summarized. That is, the Examiner is respectfully requested to provide sound scientific reasoning in the combination of different

teachings of Hinata and Bailey rather stating a conclusion that it is desirable to prevent oxygen and moisture from entering a device.

In view of the foregoing, it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 1-18 be allowed and that the application be passed to issue. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,

  
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